

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE GOOGLE DIGITAL ADVERTISING
ANTITRUST LITIGATION

21-md-3010 (PKC)

ORDER

CASTEL, U.S.D.J.

Claims by the United States and certain State plaintiffs, similar in nature to those presented in actions in this MDL, are pending before Judge Brinkema in the Eastern District of Virginia. United States v Google LLC, 23 cv 108 (E.D. Va.) (the “E.D. Va. Action”). Fact discovery in the E.D. Va. Action is reportedly set to close on September 9, 2023. Fact discovery in the MDL is set to close on June 24, 2024.¹

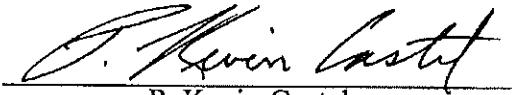
Google has presented a partial agreement of the plaintiffs in the E.D. Va. Action on the subject of coordination between the two actions. As framed by Google, it anticipates a final proposal assented to by the MDL plaintiffs that would be submitted for approval and entry as Orders in this Court and in the E.D. Va. Action. The MDL plaintiffs object to the draft principally because they believe it would accelerate discovery in the MDL, but they offer no specific language as a counter proposal. This Court painfully recalls the efforts to achieve agreement on a proposed Protective Order for which there were readily available templates. Characteristically, the draft proposed Coordination Order contains 33 bespoke definitions of such terms as “District Courts,” “MDL,” “Party,” “Transcript,” “Deposition Notice,” and “Protective Orders.” The Court has no reason to think that final agreement is on the horizon.

¹ Unlike the E.D. Va. Action, the MDL presents damage claims by a putative publisher class, putative advertiser classes and individual plaintiffs.

But the Court does not intend to stand idly by while wasteful practices are employed and intends to enter its own Order governing the MDL that will be crafted so as not to interfere with the E.D. Va. Action.

There will be a conference on May 16, 2023 at 2 p.m. in Courtroom 11D to hear the views of the parties. Any party wishing to propose an Order may do so by May 15, 2023 at 5 pm. Counsel for the plaintiffs in the E.D. Va. Action are invited to attend. Google is directed to deliver a copy of this Order to counsel for the plaintiffs in the E.D. Va. Action.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
May 9, 2023